

2086

# TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION

Docket No.  
PG4113US2

In re Application of: **GARRILL, et. al.**

Application No. **09/971,799**

Filed: **10/03/2001**

For: **METHOD AND PACKAGE FOR STORING A PRESSURIZED CONTAINER CONTAINING A DRUG**

PATENT  
TRADEMARK  
AUG 14 2003

The owner, **SmithKline Beecham Corporation** of **100.00** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number **10/071,674**, filed on **02/07/2002**.

The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2, if appropriate.

1.  For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney of record.

3. Owner/applicant is  Small entity  Large entity

The terminal disclaimer fee under 37 CFR 1.20(d) is **\$110.00** and is to be paid as follows:

A check in the amount of the fee is enclosed.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number **07-1392**.

PTO suggested wording for terminal disclaimer was

unchanged.  changed (if changed, an explanation should be supplied.)

*Robert J. Smith*  
Signature

Dated:

*August 11, 2003*

Name and Address of Person Signing

Robert J. Smith

Registration No.: 40,820

Telephone No.: 919-483-9616

Customer No.: 23347

RECEIVED

AUG 15 2003

TECHNOLOGY CENTER R3700

I certify that this document and fee is being deposited on **8/11/03** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Ban Younan*

Signature of Person Mailing Correspondence

Ban Younan

Typed or Printed Name of Person Mailing Correspondence

TECH. DISCLOSURES  
1076

**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE  
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

Docket No.  
PG4113US2

In re Application of: **GARRILL, et. al.**  
Application No. **09/971,799**  
Filed: **10/03/2001**

AUG 14 2003

For: **METHOD AND PACKAGE FOR STORING A PRESSURIZED CONTAINER CONTAINING A DRUG**

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The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

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*Robert J. Smith*

Signature

Name and Address of Person Signing

Robert J. Smith  
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Telephone No.: 919-483-9616

Customer No.: 23347

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*Ban Younan*

Signature of Person Mailing Correspondence

Ban Younan

Typed or Printed Name of Person Mailing Correspondence



376

**Terminal Disclaimer To Obviate A Double  
Patenting Rejection Over A Prior Patent**

AUG 14 2003

Docket No.  
PG4113US2

In Re Application Of:

GARRILL, et. al.

Serial No.  
09/971,799Filing Date  
10/03/2001

Examiner

Group Art Unit

## Invention:

**METHOD AND PACKAGE FOR STORING A PRESSURIZED CONTAINER CONTAINING A DRUG****RECEIVED**

Owner of Record:

SmithKline Beecham Corporation

AUG 15 2003

TECHNOLOGY CENTER R3700

**TO THE COMMISSIONER FOR PATENTS:**

The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,119,853. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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2.  The undersigned is an attorney of record.

Signature

Dated: *August 11, 2003***Robert J. Smith / Reg No: 40,820 / Telephone: 919-483-9616**

Typed or Printed Name

Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.  
 PTO suggested wording for terminal disclaimer was unchanged.  
 Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.

496  
CIPR  
Terminal Disclaimer To Obviate A Double  
Patenting Rejection Over A Prior Patent

Docket No.  
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AUG 14 2003

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GARRILL, et. al.

Serial No.  
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Group Art Unit

Invention:

**METHOD AND PACKAGE FOR STORING A PRESSURIZED CONTAINER CONTAINING A DRUG**

Owner of Record:  
SmithKline Beecham Corporation

**RECEIVED**

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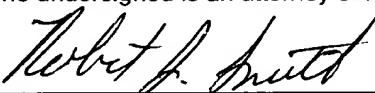
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GARRETT, et. al.

Serial No.  
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Filing Date  
10/03/2001

Examiner

Group Art Unit

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Owner of Record:

SmithKline Beecham Corporation

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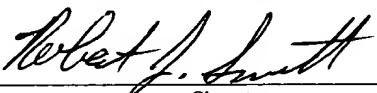
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